

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMES ELBERT DUBOSE,

Petitioner,

v.

WARDEN PATTERSON and
THE ATTORNEY GENERAL FOR THE
STATE OF ALABAMA,

Respondents.

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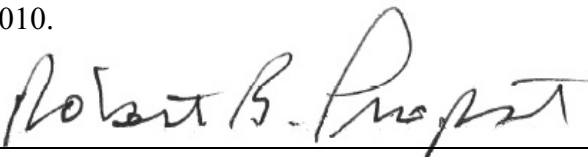
CIVIL ACTION NO. 09-RRA-2587-S

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the action be dismissed to allow the petitioner to petition the Eleventh Circuit Court of Appeals for permission to file a successive petition in this court. No objections have been filed. The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

Done this 11th day of February, 2010.


ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE